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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,287	03/12/2001	Timothy Kolody	MED 2 1118	7462

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EXAMINER
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LAVINDER, JACK W

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 08/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/804,287

Applicant(s)

KOLODY ET AL.

Examiner

Jack W. Lavinder

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 and 28-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-16, 21-26, 28, 29 and 35-39 is/are allowed.
- 6) ☒ Claim(s) 1-3, 17-19, 30, 31 and 34 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 20, 32 and 33 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

***Continued Prosecution Application***

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 17-19, 30, 31, 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Vanek, 5983426.

Regarding claims 1, 17, 30, Vanek discloses a planar top and bottom surface of a table (22) with a non-planar first connection area (curved area 20) shaped to provide a support force in a first direction parallel to the top and bottom surfaces and a second supporting force perpendicular to the top and bottom surfaces and a second connection area (the edge 14 along with the top surface adjacent the edge 14 and the vertical surface extending down from the top surface). The second connection is capable of providing a third supporting force parallel to the top and bottom surface and a fourth supporting force perpendicular to the top and bottom surface when a c-clamp is used by placing one end of the c clamp into the first connection area and the other end of the c clamp on the bottom surface, wherein the inner surface of the c-clamp is in contact with the top surface adjacent the edge 14, the edge 14 and the bottom surface adjacent the edge 14.

A second interpretation of Vanek as applied to claims 1 is as follows: Vanek discloses a planar top and bottom surface of a table (22) with a non-planar first

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connection area (right side curved area 20) shaped to provide a support force in a first direction parallel to the top and bottom surfaces and a second supporting force perpendicular to the top and bottom surfaces and a second connection area (left side curved area 20) providing a third supporting force parallel to the top and bottom surface and a fourth supporting force perpendicular to the top and bottom surface.

Regarding claims 2, 18, 31, Vanek discloses a recess with a pair of wall areas in the first connection area that converge at a bight of the recess, i.e., the right vertical side of the groove 20 extends down to the curved surface meeting the left vertical side, which extends down to the curved surface of the bight.

Regarding claims 3, 19, 34, according to the second interpretation of Vanek: Vanek discloses an oblique surface in the second connection area (left side curved area 20) extending at an oblique angle relative to the top and bottom surfaces, i.e., a portion of the curved surface is extending at an oblique angle defined between a tangent line of the curved surface and the top or bottom surface.

***Allowable Subject Matter***

3. Claims 6-16, 21-26, 28-29, 35-39 have been allowed. Claims 6, 35, 37 and 39 all define the plurality of curved surfaces along the edge of the support member being without planar portions oriented in a substantially perpendicular relation to the planar top surface of the patient support member, which is not disclosed in the prior art. Claim 21 is allowable over the prior art because the prior art fails to disclose a ridge defined by a portion of the lower surface, wherein the ridge is disposed at a lower edge of the table top extending beyond the flat lower surface.

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4. Claims 4, 5, 20, 32, 33 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

5. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

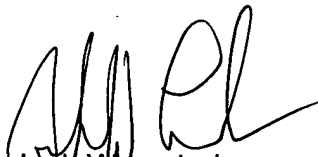
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack W. Lavinder whose telephone number is 571-272-7119. The examiner can normally be reached on Mon-Friday, 9-4:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jack W. Lavinder  
Primary Examiner  
Art Unit 3677

7/28/05